

**REMARKS**

**I. Amendment to the Claims**

Upon entry of the foregoing amendment, 39 claims are pending in the application. Of the pending claims, four (4) claims are independent.

**II. Claim Rejections under 35 U.S.C. § 102(b)**

The Examiner has rejected Claim 37 as being anticipated by Robinson (U.S. Patent No. 5,681,079). In view of the amendments entered herewith, however, Applicant respectfully submits that this rejection is rendered moot.

Claim 37 has been amended to specify that the ergonomic support means comprise a flattened position and an extended position wherein the extended position has a greater depth of space than the flattened position, and wherein the flattened position corresponds with a folded position of the seat and the extended position of the ergonomic support corresponds with an unfolded position of the seat. The claim has been further amended to specify that unfolding of the fold down seat actuates the ergonomic support means, thereby moving the ergonomic support means from the flattened position to the extended position. Typographical errors in claim 37 have also been amended in order to clarify that it is the unfolding of a fold down seat which leads to actuation of the ergonomic support means.

In contrast, Robinson discloses ergonomic support means (specifically, a headrest) which has a greater depth of space when the seat is folded down than when the seat is unfolded.

***III. Other Claim Amendments***

The remaining claims have been amended, and new claim 40 has been added, in order to bring the claim scope into agreement with the set of claims Applicant has entered in a related case in the European Patent Office.

Furthermore, claim 36 has been amended to add a final step to the method claim of “moving said seat between a folded position and an unfolded position”, so that the claim correctly recites the steps required to actuate an ergonomic support in a fold down seat.

Finally, correction of a typographical error in claim 39 has been entered herewith. No new matter is added by any of the amendments contained herein.

***IV. Conclusion***

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Application of McMillen et al.  
Appl. No. 10/663,194  
Filed 09/16/2003

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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By: Dennis J. M. Donahue, III, Reg. No. 43,591  
Husch & Eppenberger, LLC  
190 Carondelet Plaza  
St. Louis, MO 63105  
314-480-1500  
314-480-1505 FAX